Regular Meeting of the Sandy Springs City Council was held on Tuesday, June 15, 2010, at 6:00 p.m., Mayor Eva Galambos presiding.

INVOCATION

Rabbi Ari Lorge with Temple Sinai offered the invocation.

CALL TO ORDER

Mayor Eva Galambos called the meeting to order at 6:07 p.m.

ROLL CALL AND GENERAL ANNOUNCEMENTS

City Clerk Michael Casey reminded everyone to silence cell phones and pagers at this time. Additionally, those wishing to provide public comments during either a public hearing or the Public Comment section of the meeting are required to complete a public comment card. The cards are located at the back counter and need to be turned in to the City Clerk before speaking.

City Clerk Casey called the roll.

Mayor: Mayor Eva Galambos present.

Councilmembers: Councilmember John Paulson, Councilmember Dianne Fries, Councilmember Chip Collins, Councilmember Ashley Jenkins, Councilmember Tibby DeJulio and Councilmember Karen Meinzen McEnerny present.

PLEDGE OF ALLEGIANCE

Mayor Galambos led the Pledge of Allegiance.

(Agenda Item No. 10-137)
APPROVAL OF MEETING AGENDA

Motion and Vote: Councilmember Fries moved to approve the June 15, 2010, Meeting Agenda. Councilmember Jenkins seconded the motion. The motion carried unanimously.

CONSENT AGENDA

(Agenda Item No. 10-138)

1. **AM09-008** - 5430 Glenridge Drive, *Applicant: Joseph Boveri*, To delete conditions 3.h. and 3.i., regarding signage
   (Nancy Leathers, Director of Community Development)

(Agenda Item No. 10-139)

2. **AM10-001** - 6520 Roswell Road (SR 9), *Applicant: Cynthia A. Carson*, To modify the Z67-161 conditions of approval as recommended by the Fulton County Planning Board, specifically conditions #2 and #3 regarding letters of intent related to perimeter fencing
   (Nancy Leathers, Director of Community Development)

(Agenda Item No. 10-140)

3. **AM10-003** - 515 Redding View Court, *Applicant: Phil and Debbie Rubin*, To modify the condition 3.a. of Z96-120 by reducing the required thirty (30) foot minimum rear yard setback for the construction of an addition to a single-family home
(Nancy Leathers, Director of Community Development)

(Agenda Item No. 10-141)

4. **AM10-004** - 90 Johnson Ferry Road, *Applicant: Maria D. Powell*, To delete condition 4.d. of Z86-0090 restricting signage on the property
(Nancy Leathers, Director of Community Development)

(Agenda Item No. 10-142)

5. **AM10-005** - 6450 Barfield Road, *Applicant: The Church of Jesus Christ of Latter-Day Saints*, To delete condition 2, the overall concept plan in the original letter of intent of U80-0063 and M87-0020 by reference to the new site plan submitted to the Department of Community Development on May 10, 2010 to allow for the relocation of the residential building one hundred thirty (130) feet to the south
(Nancy Leathers, Director of Community Development)

(Agenda Item No. 10-143)

6. **AM10-006** - 3880 Spalding Drive, *Applicant: Justin McKinney*, To modify the condition 1.f. of Z82-146 by reducing the required fifty (50) foot minimum setback from the right-of-way of Spalding Drive for a storage shed
(Nancy Leathers, Director of Community Development)

(Agenda Item No. 10-144)

7. To amend Chapter 103, Article IV - Definitions, Section 103-16 to define "Permit" and also to amend Chapter 103, Article VI - Permits Required for Development or Construction, Section 103-26, to amend the current language to clearly state the requirements for posting a permit and construction noise ordinance requirements, and also to amend Chapter 103, Article VI, Section 103-27.
(Nancy Leathers, Director of Community Development)

(Agenda Item No. 10-145)

8. An Ordinance to create and adopt a new Article VIII on Limousines in Chapter 26 of the Code of Ordinances of the City of Sandy Springs
(Wendell Willard, City Attorney)
Ordinance No. 2010-06-22

(Agenda Item No. 10-146)

9. An Ordinance to amend Chapter 6, Article I, Section 6-8 so as to exempt those retail establishments licensed to sell wine for consumption on the premises where the establishment chooses to adopt a policy which allows any person dining at the establishment to bring an unopened bottle of wine into the establishment for consumption
(Wendell Willard, City Attorney)
Ordinance No. 2010-06-23

(Agenda Item No. 10-147)

10. An Ordinance to strike existing Article VII on Taxicabs, Chapter 26 of the Code of Ordinances of the City of Sandy Springs and replace with a revised Article VII on Taxicabs
(Wendell Willard, City Attorney)

Ordinance No. 2010-06-24

Motion and Vote: Councilmember Fries moved to approve the June 15, 2010, Consent Agenda. Councilmember Jenkins seconded the motion. The motion carried unanimously.

PRESENTATIONS

1. ASCE 2010 Outstanding Civil Engineering Achievement Award – by David Chastant

Mayor Eva Galambos presented the 2010 Outstanding Civil Engineering Achievement Award to David Chastant from the American Society of Civil Engineers.

2. Second Original Painting for Sandy Springs Cycling Challenge "Race to the Arts" – by Robert Amato

Mayor Eva Galambos thanked Robert Amato for the great job he did on this year's painting for the second Cycling Challenge.

Robert Amato thanked the Mayor and Council for allowing him to participate in all the excitement of the race.

3. Recognition of John Abrera and Alecia Hurge for setting up the Information Technology (IT) network for the Anne Frank Exhibit – by Mayor Galambos

Mayor Eva Galambos presented a proclamation recognizing CH2M HILL to John Abrera and Alecia Hurge for their donations of time, material and Information Technology expertise for the Anne Frank Exhibit.

PUBLIC HEARINGS

City Clerk Michael Casey read the zoning rules for this part of the meeting.

Budget

(Agenda Item No. 10-148)

1. To receive public comment pertaining to the Fiscal Year 2011 budget.

City Manager John McDonough stated after several budget workshops and public hearings, staff is presenting to Council a proposed balanced gross budget of $165,037,177, which includes a general fund budget of $83,068,000.

Mayor Eva Galambos called for public comments in support of or opposition to the FY2011 Budget. There were no comments from the public. The public hearing was closed.

a. Consideration of approval of an ordinance adopting a budget for the Fiscal Year 2011 for each fund of the City of Sandy Springs, Georgia, pursuant to Article V, Chapter 5 of the Charter of the City, beginning July 1, 2010, and ending June 30, 2011, appropriating the amounts shown in each budget as expenditures, adopting the item of anticipated funding sources, prohibiting expenditures to exceed appropriations, and prohibiting expenditures from exceeding actual funding sources.

City Manager John McDonough stated this item is the ordinance adopting the budget for FY2011. Staff will come back to Council in the month of September with a millage rate hearing, since the City has not received the approved digest from Fulton County.

Motion and Vote: Councilmember Meinzen McEnerny moved to approve Agenda Item No. 10-148, An ordinance adopting a budget for the Fiscal Year 2011 for each fund of the City of Sandy Springs, Georgia, pursuant to Article V, Chapter 5 of the Charter of the City, beginning July 1, 2010, and ending June 30, 2011, appropriating the amounts shown in each budget as expenditures, adopting the item of anticipated funding sources, prohibiting expenditures to exceed appropriations, and prohibiting expenditures from exceeding actual funding sources. Councilmember Jenkins seconded the motion. The motion carried unanimously.
Ordinance No. 2010-06-25

Rezonings

(Agenda Item No. 10-149)

2. **RZ09-013/CV09-021** - 216 East Belle Isle Road, *Applicant: Ted Schobert, DVM*, To rezone the subject property from C-2 (Commercial District) conditional to C-2 (Commercial District) conditional, with concurrent variance(s), to continue the Veterinary Clinic use and to allow additional uses under C-2 that would require 12 parking spaces or less

Assistant Director of Planning and Zoning Patrice Ruffin stated this application is a request to rezone the property from C-2 conditional to C-2. The existing property is conditioned to a veterinary clinic only. The applicant is requesting to allow additional uses under the C-2 classification, with four concurrent variances. Staff recommends approval conditional of the rezoning and the concurrent variances. The petition was heard at the May 20th Planning Commission Meeting and the Commission recommended approval subject to staff conditions.

Ted Schobert, 216 E. Belle Isle Rd, NE, stated he owns Belle Isle Animal Clinic, which was developed by Duberry Capital Corporation about ten years ago. He purchased the building subsequent to that and the building was zoned through Fulton County at that time. The very last sentence they put into the zoning agenda was to be used as a Veterinary Clinic only. He requests that the stipulation of only allowing a veterinary clinic be removed, so his wife can use the office for other things.

Councilmember Tibby DeJulio asked why Fulton County included that language in the documents.

Councilmember Ashley Jenkins stated it is done on all of their zonings.

City Attorney Wendell Willard stated over the years Fulton County had a habit of restricting property to specific business uses. He has questions about the proprietary and the legality of it.

Mayor Eva Galambos called for public comments in support of or opposition to the application. There were no comments from the public. The public hearing was closed.

Motion and Vote: Councilmember DeJulio moved to approve Agenda Item No. 10-149, RZ09-013/CV09-021 - 216 East Belle Isle Road, *Applicant: Ted Schobert, DVM*, To rezone the subject property from C-2 (Commercial District) conditional to C-2 (Commercial District) conditional, with concurrent variance(s), to continue the Veterinary Clinic use and to allow additional uses under C-2 that would require 12 parking spaces or less. Councilmember Fries seconded the motion. The motion carried unanimously.

1. To the owner's agreement to restrict the use of the subject property as follows:

    a. To a(n) Indoor Veterinary Clinic, Clinic, General Office, Day Care Facility, Research Laboratory, and associated accessory uses.

    b. To the existing 3,080 square foot building developed at a density of 5,934.5 gross square feet per acre.

2. To the owner's agreement to abide by the following:

    a. To the site plan received by the Department of Community Development on March 10, 2010. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance, the Development Standards contained therein, and these conditions prior to the approval of a Land Disturbance Permit. The applicant shall be required to complete the concept review procedure prior to application for a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.

3. To the owner's agreement to provide the following site development standards:

    a. Variance from Section 4.23.1 of the Zoning Ordinance to reduce the required thirty-five (35) foot Zoning Buffer and the ten (10) foot Improvement Setback along the side east property line to a twenty (20) foot landscape strip planted to buffer standards (CV09-021 #1).

    b. Variance from Section 4.23.2 of the Zoning Ordinance to delete the parking lot landscaping requirements (CV09-021 #2).

    c. Variance from the Tree Conservation Ordinance, Administrative Standards, & Best Management Practices - Landscape Strips, Buffers, and Parking (F.1) to relieve the requirement of planting a large shade tree every 6 parking spaces for all new parking lots (CV09-021 #3).

    d. Variance from Section 18.2.1 of the Zoning Ordinance to reduce the required parking from 13 spaces to 12 spaces (CV09-021 #4).

    e. The owner/developer shall dedicate thirty (30) feet of right-of-way from centerline of East Belle Isle Road along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.

    f. The required landscape strips and zoning buffers shall be planted and maintained to meet the minimum standards as approved by the City Arborist.

(Agenda Item No. 10-150)

3. **RZ10-003** - 465, 475, 485, 490, 500 Tanacrest Drive, *Applicant: City of Sandy Springs*, To rezone the subject properties from R-2 & R-3 (Single-family Dwelling Districts) to R-3 (Single-family Dwelling District)

Assistant Director of Planning and Zoning Patrice Ruffin stated this is a request to rezone the five lots that are split zoned R-2 and R-3 to the R-3 classification, which is the same as the remaining lots on the interior of the Tanacrest subdivision. Staff is recommending approval conditional of the rezoning. The

petition was heard at the May 20th Planning Commission Meeting and the Commission recommended approval subject to staff conditions.

Mayor Eva Galambos called for public comments in support of the application.

Roger Rupnow, 490 Tanacrest Dr, stated he wants all of the lots to be R-3. He asks for Mayor and Council's support for this application.

Councilmember Chip Collins asked if Mr. Rupnow is satisfied with the staff's conditions.

Mr. Rupnow stated he is not sure what the conditions are.

Assistant Director of Planning and Zoning Ruffin stated the conditions reduce any setbacks necessary for anything existing on the property.

Mr. Rupnow asked if that means some of the setbacks will be reduced.

Assistant Director of Planning and Zoning Ruffin answered no. It means any existing nonconformities out there will be covered by the zoning and in compliance.

Mayor Galambos called for public comments in opposition to the application. There were no comments from the public. The public hearing was closed.

Motion and Second: Councilmember Collins moved to approve Agenda Item No.10-150, RZ10-003 - 465, 475, 485, 490, 500 Tanacrest Drive, *Applicant: City of Sandy Springs*, To rezone the subject properties from R-2 & R-3 (Single-family Dwelling Districts) to R-3 (Single-family Dwelling District), subject to staff conditions. Councilmember Fries seconded the motion.

1. To the owners' agreement to restrict the use of the subject properties as follows:

    c. To Single-family residential and associated accessory uses.

2. To the owners' agreement to abide by the following:

    b. To the size and configuration of the subject lots as currently approved and shown on the site plan received by the Department of Community Development on March 2, 2010.

3. To the property owners' agreement to provide the following site development standards:

    a. To reduce the zoning regulations to the extent necessary for the existing legal non-conforming (grandfathered) structure(s) to comply.

Vote on the Motion: The motion carried unanimously.

Zoning Modification

(Agenda Item No. 10-151)

4. **ZM10-004/CV10-005** - 7000 & 9000 Central Parkway, *Applicant: JMC-IV Real Estate Company*, To modify the conditions of petition Z88-032/U88-020/U88-021/U88-022/U88-023, including the approved site plan, with concurrent variances

Assistant Director of Planning and Zoning Patrice Ruffin stated this application is a request to modify the conditions of the 1988 case from Fulton County to modify the existing master plan for the development with concurrent variances. Staff is recommending approval conditional subject to the revised set of conditions given to Council, the applicant, and City Clerk.

Nathan Hendricks, 6085 Lake Forest Drive, Suite 200, stated Council should be familiar with the 58.44 acre tract of land that held Cox's corporate campus ten years ago. The first building is the associated parking deck structure. The applicant wants to begin to break ground as quickly as possible, because the office buildings will bring to the campus 1,800 employees. In addition to the zoning modification to modify condition 2(a), which substitutes the current site plan with the new site plan received by the Community Development Department on March 2, 2010, there is also a five-part concurrent variance request which stems from the site plan having the new urbanesque feel that is currently in fashion. This also includes bringing the building and associated parking structures to street presence to be able to have direct pedestrian engagement. The first request is a concurrent variance to allow the minimum front and side building setbacks of 40 feet to be reduced. Two variances pertain to the tree ordinance and section 4.33.1 to allow the tree islands to be spaced out at 18, because there is a nominal amount of surface parking that will take place. Staff has reviewed the modification to condition 2(a) and feels the new site plan is in line with the overall development of this property and in this area. There is no bump in density. The plan is in basic harmony with the spirit and intent of the zoning ordinance and that there is no harm or detriment to the general public.

The same findings have been made with the five concurrent variances. There are three burdens that the applicant has to carry in order to be able to show need and entitlement for approval of the concurrent variances. The variance that is referenced in the letter of intent was addressed by staff and approval of the concurrent variances will be in basic harmony with the policy and intent of the zoning ordinance and there will be no harm to the general public. The development is in basic harmony with the interior development of this piece of property together with the general area in which the property is located. Staff has recommended approval of modification to condition to 2(a) and also recommended approval of each of the five concurrent variance requests. The applicant has worked very closely with the staff and is very appreciative of the time and effort staff put in to refine the conditions. They are in agreement with the revised set of conditions that staff provided. The applicant respectfully requests Mayor and Council to approve the application. Harriet Miles ended up being the assigned point person for the Sandy Springs Council of Neighborhoods. They had a couple of meetings with Harriet and she is fine with the application and has no issues or objections. Cody Partin is with Cox and is available for questioning along with Larry Humphrey, Cox's transactional lawyer. Chris Owens, with Lowe Engineers, has been working with Transportation Planner Mark Moore and Public Works Director Tom Black. Council is familiar with the roadway alignment of Central Park West and Central Parkway, which staff is delighted with, because it will straighten the swing out going from Peachtree Dunwoody Road up to Perimeter Center West and Central Parkway, and will now come to a stop at the swing through route at the rework of Central Park West.

Mayor Eva Galambos called for public comments in support of the application.

Cody Partin, Cox Corporation, stated they are appreciative of the opportunity to be before Mayor and Council and are very proud to expand their campus in Sandy Springs. They offered to answer any questions.

Mayor Galambos called for public comments in opposition to the application. There were no comments from the public. The public hearing was closed

Councilmember Dianne Fries asked if the applicant would be agreeable to having a sign on the side of the building versus the roof sign shown in 3(k).

Mr. Hendricks stated the roof sign is a current approval under ZM01-051 through Fulton County in 2001. The applicant has no issue with it being qualified to the Cox Corporate building.

Larry Humphrey, Cox Corporation, stated the reference is to make sure it is clear that the existing sign can remain and remain approved. The previous condition said no roof signs, which they received a variance for in 2001. They are not asking for any additional roof signs. They agree to include language that only allows the existing roof sign and no additional sign is allowed.

Motion and Second: Councilmember Fries moved to approve Agenda Item No. 10-151, ZM10-004/CV10-005 - 7000 & 9000 Central Parkway, *Applicant: JMC-IV Real Estate Company*, To modify the conditions of petition Z88-032/U88-020/U88-021/U88-022/U88-023, including the approved site plan, with concurrent variances and staff conditions. Councilmember Jenkins seconded the motion.

1. To the owner's agreement to restrict the use of the subject property as follows:

   a. Office and accessory uses including the day care center, at a maximum density of 70,801 square feet of gross floor area per acre zoned or a total gross floor area of 4,137,600 square feet, whichever is less.

   b. Accessory retail and service commercial uses at a maximum density of 7,016 gross square feet of total floor area per acre zoned or a total floor area of 410,000 gross square feet, whichever is less. Said commercial uses shall comply with the restrictions provided in the ~~Fulton County Zoning Resolution~~ Sandy Springs Zoning Ordinance.

   c. A day care center consisting of a total capacity of 125 children. Prior to the commencement of operation of the day care center, the owner shall comply with all regulations of the State of Georgia ~~Department of Human Resources~~ and file a copy of the approved registration with the ~~Zoning Administrator~~ Director of Community Development.

   d. An 18-story, 350 room motel.

   e. Limit the height of the office buildings to no more 1 (one) 45-story building and 1 (one) 30-story building. All other office buildings shall not exceed 20 stories.

   f. All buildings must be entirely located within Fulton County boundaries.

2. To the owner's agreement to abide by the following:

   a. ~~To the Site Plan received by the Zoning Department on February 29, 1988 and to submit to the Director of Public Works for his approval, prior to the approval of a Land Disturbance Permit, a revised Site Plan based on a certified boundary survey of the entire property zoned, incorporating the stipulations of these conditions of zoning approval and meeting or exceeding the requirements of the Zoning Resolution.~~ To the site plan received by the Department of Community Development dated March 2, 2010. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.

b. To submit to the Director of ~~Public Works~~ Community Development for his approval, prior to any defoliation or alteration of the site, a Land Disturbance application which shall include a grading plan including phasing, a hydrological study, a separate soil sedimentation and erosion control plan, and proposed provisions for permanent storm water retention and the method of continuing maintenance of these facilities.

c. To submit to the Director of ~~Public Works~~ Community Development for his approval, prior to the approval of a Land Disturbance Permit, a detailed landscape and/or tree protection plan for all required buffers, landscape strips, and tree protection zones. Said landscaping for each phase of development shall be in place within 90 days after the issuance of a Certificate of Occupancy or the connection of permanent power for each phase provided, however, that all landscaping shall be in place prior to the issuance of a Certificate of Occupancy or the connection of permanent power for the final phase of the development.

d. To submit to the Director of ~~Public Works~~ Community Development for his approval, prior to the subdivision of any parcel zoned pursuant to this petition, a copy of all easement agreements for shared parking and access.

3. To the owner's agreement to the following site development considerations:

a. Provide a natural buffer, undisturbed except for approved access and utility crossings, improvements, and replantings where sparsely vegetated and subject to the approval of the ~~Fulton County~~ Sandy Springs Arborist, adjacent to the following property lines and in the widths shown (the width of buffers shall be measured from the limits of construction for existing and proposed public roadways as applicable):

70 feet wide on the south property line, with an additional setback for all improvements of 20 feet or as may be approved by the Director of ~~Planning and Economic Development~~ Community Development.

b. Provide a 10-foot wide evergreen landscape strip within the southernmost portion of the 20 foot wide additional setback referenced in 3.a. above, which shall be planted to provide a 100 percent visual screen to a height of 10 feet within 3 years of growth, subject to the approval of the ~~Fulton County~~ Sandy Springs Arborist

~~c. Provide 40 foot wide landscape strips outside of the new dedicated right-of-way of Peachtree Dunwoody Road and Perimeter Center West. Said landscape strips shall be planted with shrubs a minimum size of 3 gallons upon installation, planted at a minimum spacing of 3 feet on center, and trees, a minimum 3 inch caliper upon installation, planted at a minimum spacing of 30 feet on center. Plantings shall be subject to the approval of the Fulton County Arborist.~~

d. Provide adjacent to the following property lines in the widths shown, a landscape strip, planted with shrubs, a minimum size of 3 gallons upon installation, planted at a minimum spacing of 3 feet on center, and trees, a minimum 3 inch caliper upon installation, planted at a minimum spacing of 30 feet on center. Said plantings shall be subject to the approval of the ~~Fulton County~~ Sandy Springs Arborist:

25 feet wide on the ~~north and~~ east property line~~s~~ and landscaping along the north property line as shown on the site plan submitted pursuant to ZM01-051/CV01-217.

e. Any exterior illumination on the site shall not exceed 1.2 footcandles on any property line adjacent to a residential use or zoning district, nor will the light source be directly visible from adjoining residential properties. In addition, lighting on the top of any parking deck within 400 feet of the south property line shall not exceed a height of 4 feet unless said light sources are enclosed so as to completely shield any light source from the adjacent residential properties, subject to the approval of the Director of ~~Planning and Economic Development~~ Community Development.

f. ~~No more than 3 (three) exit/entrances on Peachtree Dunwoody Road which shall consist of the 2 (two) existing exit/entrances and 1 (one) right in/right out exit/entrance, the location of which shall be subject to the approval of the Fulton County Traffic Engineer.~~

g. ~~Access to Perimeter Center West shall be acquired through the adjacent DeKalb County parcel.~~

h. ~~All curb cuts on the internal parkway shall be subject to the approval of the Fulton County Traffic Engineer.~~

i. The exterior of all concrete blocks shall be coated with an architectural treatment (e.g., epoxy, stucco, brick veneer, etc.) or an alternate solution as may be approved by the Director of ~~Planning and Economic~~ Community Development.

j. The exterior of any parking structure within 400 feet of the south property line shall be completely enclosed on the south side and coated with an architectural treatment (e.g., epoxy, stucco, brick veneer, etc.) as may be approved by the Director of ~~Planning and Economic Development~~ Community Development and shall include exterior concrete planting boxes of a similar finish to the parking structure, running the length of each floor, at or above the third story above finished grade. Such planting boxes shall be at least 30 inches in depth and shall be used for the planting of landscape materials, including ground cover which will be expected to drape over the sides of the boxes, subject to the approval of the ~~Fulton County~~ Sandy Springs Arborist.

k. ~~No~~ Allow roof sign~~s are permitted~~ on corporate building as per zoning case ZM01-051/CV01-0127.

~~l. Provide landscape islands throughout the surface parking areas, including a minimum 10 foot wide landscape island at the end of each parking bay and 5 foot wide landscape island for each 150 feet of length. Said parking islands must be planted with shade trees, subject to the approval of the Fulton County Arborist.~~

m. Provide and maintain off-street parking on the subject property during the entire construction period.

~~n. Provide interparcel access to adjacent property(ies) as may be required by the Director of Public Works.~~

o. Variance from Section 8.1.3.B. of the Zoning Ordinance to reduce the required forty (40) foot minimum front yard setback to the extent necessary to comply in accordance with the site plan received by the Department of Community Development on March 2, 2010 to include any future required right-of-way dedication. (CV10-005).

p. Variance from Section 8.1.3.C. of the Zoning Ordinance to reduce the required forty (40) foot minimum side yard setback adjacent to a street to the extent necessary to comply in accordance with the site plan received by the Department of Community Development on March 2, 2010 to include any future required right-of-way dedication. (CV10-005).

q. Variance from Section 18.3.1.E. of the Zoning Ordinance to allow off-street parking within the required setback for the front yard and the side corner yard. (CV10-005).

r. Variance from the Tree Conservation Ordinance, Administrative Standards, & Best Management Practices - Landscape Strips, Buffers, and Parking (F.1) to relieve the requirement of planting a large shade tree every 6 parking spaces for all new parking lots. (CV10-005).

s. Variance from Section 4.23.2 of the Zoning Ordinance to delete the parking lot landscaping requirements. (CV10-005).

4. To the owner's agreement to abide by the following requirements, dedications and improvements;

a. Dedicate at no cost to ~~Fulton County~~ Sandy Springs along the entire property frontage, prior to the approval of the next Land Disturbance Permit, sufficient land as necessary to provide the following rights-of-way, and dedicate at no cost to ~~Fulton County~~ Sandy Springs such additional right-of-way as may be required to provide at least 10.5 feet of right-of-way from the back of curb of all abutting road improvements, as well as allow the necessary construction easements while the rights-of-way are being improved:

~~50~~ 55 feet from centerline of Peachtree Dunwoody Road, provided, however, that a minimum of 10.5 feet of right-of-way is provided from the edge of all road improvements.

~~55 feet from centerline of Perimeter Center West.~~

~~Sufficient right-of-way for the internal parkway such that a minimum of 10.5 feet of right-of-way is provided from the edge of all road improvements, within which utilities may be located.~~

b. Improve the following roadways along the ~~entire~~ property frontage ~~from the center of road to back of curb~~ as follows:

~~Add left turn lanes along Peachtree Dunwoody Road at each project entrances the design of which shall be subject to the Fulton County Traffic Engineer.~~

~~Improve the internal parkway to a four (4) lane divided section with medians and left turn lanes, subject to the approval of the Fulton County Traffic Engineer.~~

Realign, and rename as appropriate, Central Park West and Central Parkway as shown in the zoning concept plan. Property will be dedicated and/or current right of way quitclaimed between the owner and the City as necessary at no cost to the City or owner other than owner agreeing to pay all costs and expense associated with ~~for~~ the improved roadway design and realignment. All future rights of way will conform to City standards and shall be subject to all rules and regulations of the City. Existing right-of-way

quitclaimed as a part of the realignment will take on the once adjoining/underlying zoning district and be subject to the conditions herein of the ZM10-004/CV10-005 approval.

c. ~~Provide deceleration lanes for a distance of 200 feet and a 50 foot taper from all project entrances or as may be approved by the Fulton County Traffic Engineer.~~

d. ~~Pay a pro-rated share of the cost of upgrading signalization at the intersections of Central Parkway with Perimeter Center West and Peachtree Dunwoody Road, or as may be required by the Fulton County Traffic Engineer.~~

e. ~~Connect to metropolitan water and public sanitary sewer available to the site as well as pay all required tap-on fees, front footage assessments and the pro-rated share of the cost of public utility extensions, facility improvements and the Nancy Creek sewer relief system as determined by the Department of Public Works.~~

f. Provide designated fire lanes adjacent to all structures and provide water mains, fire hydrants and access for fire-fighting equipment as required by the ~~Fulton County~~ Sandy Springs Fire Department.

g. Design required on-site storm water detention facilities such that they are not located within any required buffers, landscape strips or on required parking areas or as may be approved by the Director of ~~Public Works~~ Community Development.

h. ~~Construct, sidewalks along entire property frontage within the rights-of-way of Peachtree Dunwoody Road and Perimeter Center West. Said sidewalks shall be in place prior to the issuance of a Certificate of Occupancy or the connection of permanent power for the development.~~

i . ~~To construct a bus shelter at. MARTA's bus stop nearest the site at such time as the location of said bus shelter is determined by MARTA.~~

j . ~~Provide at no cost, the right-of-way and/or construction easements necessary for a MARTA rapid rail transit line, subject to the approval and design by the Metropolitan Atlanta Rapid Transit Authority, within the 40 foot wide landscape strip required under condition 3c. above and design all buildings and other improvements within the development to accommodate said rapid transit construction.~~

~~5. Participate in off - site transportation improvements necessary to accommodate increased traffic generated by the proposed development. These improvements may include, but are not limited to the following:~~

~~1. New southbound on and off ramps in the northwest quadrant of the 6a. 400/Abernathy Road interchange.~~

~~2. Six (6) through lanes on Abernathy Road extending from a point midway between the northbound ramp exits from Ga. 400 to the existing median located west of the new southbound ramp exit from Ga. 400 and fully actuated signalization on Abernathy Road at the new southbound on and off ramps.~~

~~3. One (1) additional lane to the northbound ramp onto Ga. 400 from Abernathy Road and one additional free right turn lane onto said ramp from Abernathy Road, beginning at Peachtree-Dunwoody Road.~~

~~4. The extension of Mt. Vernon Highway to Barfield Road as a 6-lane section.~~

~~5. The widening of Abernathy Road to six (6) lanes to Barfield Road.~~

~~6. The construction of a 2-lane collector - distributor system parallel to Georgia 400.~~

~~7. The construction of a new interchange at Georgia 400 between Abernathy Road and Spalding Drive.~~

~~8. The construction of 2-lane on and off ramps from Georgia 400 to Hammond Drive.~~

~~Prior to the issuance of each Land Disturbance Permit, the owner shall provide to Fulton County monies for transportation improvements to the area equal to the square footage contained within a building proposed pursuant to said Land Disturbance Permit. Costs shall be based on the following rates subject to adjustment by the Board of Commissioners based on the Engineering News Record Index beginning from the approval date of these petitions:~~

~~$ 0.45 per gross square foot of office floor area.~~

~~$ 1.25 per gross square foot of commercial, restaurant and day care center floor area.~~

~~$ 430.50 per motel room.~~

~~The Board of Commissioners may adjust the above-stated rates pursuant to any public policy change in said rates as adopted by the Board of Commissioners for the general development area within which the project is located.~~

6. To the owner's agreement to abide by the following:

   a. To contact the Director of ~~Public Works~~ Community Development, prior to the application for a Land Disturbance Permit to arrange with the ~~County~~ Sandy Springs Arborist an on-site evaluation of existing ~~specimen~~ trees/stands, buffers, and tree protection zones within the property boundaries.

   b. To maintain as a minimum, the tree density requirements as prescribed by the ~~Fulton County~~ Sandy Springs Tree ~~Preservation~~ Conservation Ordinance ~~Administrative Guidelines~~, either through the retention of existing trees, or tree replacement, in perpetuity.

~~As to the monies required of the petitioner to be paid under Conditions 4. d., 4.e. and 5. above, the petitioner shall be entitled to a credit to be applied against these monies for any verifiable escrow funds previously expended by the petitioner for the matters enumerated under the above-stated Conditions 4.d., 4.e. and 5., subject to the approval of the Director of Public Works.~~

Councilmember Tibby DeJulio asked if the address for Cox Corporation has been changed from Atlanta to Sandy Springs.

Mr. Partin answered yes, the address has been changed. They are working with City Manager John McDonough and the Sandy Springs Chamber of Commerce to talk about the addressing issues. They are using Sandy Springs for local press releases.

Councilmember Karen Meinzen McEnerny asked if the 1,800 expected employees are coming from another location in Fulton County or outside of Fulton County.

Mr. Partin answered it is a mixture of both. It will be employees within Fulton County along with some that are in DeKalb County.

Councilmember Meinzen McEnerny asked how many are outside of Fulton County

Mr. Humphrey stated it is a couple hundred from DeKalb County. Most are from the Perimeter Summit Building and some from Alpharetta. He does not have the exact breakdown.

Councilmember Meinzen McEnerny stated there are 200 coming from outside of Fulton County and then several hundred more coming from within Fulton County that are currently not in Sandy Springs.

Mr. Partin stated of the eighteen hundred, probably fourteen hundred are from outside of Sandy Springs.

Councilmember DeJulio asked if this will be the headquarters for the Auto Trader.

Mr. Partin answered no. This location will be the technology department for Cox Communications.

Councilmember DeJulio asked if it is for the whole Corporation.

Mr. Partin stated Cox Communications is a subsidiary of Cox Enterprises, which is the cable company.

Mayor Galambos asked if the AJC is moving to the new building.

Mr. Partin stated the AJC is currently located in Dunwoody and they have a five year lease.

Councilmember Ashley Jenkins asked if they are comfortable with the right-of-way conditions.

Mr. Partin answered yes.

Vote on the Motion: The motion carried unanimously.

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

(Agenda Item No. 10-152)

1. Budget Amendment for 2010 Budget

Finance Director Amy Davis stated this is a budget amendment for the current fiscal year to get the City closer to what staff arrived at. The policy states the City Manager can transfer money within departments. This amendment includes new adjustments, which include increasing the tax revenues by $3.2 million, for a net increase to the general fund of $506,249. There is also an increase to the

expenditure line for the general fund. Some of these items are incorporating the transfers that have already been approved by the City Manager and some are just adjustments to bring them up to where the need to be for this year. The biggest one is the $900,000 transfer that was approved for ChatComm.

City Manager John McDonough stated this makes it easier for the City when going through the audit process. He thanked Finance Director Davis for doing this amendment.

Mayor Eva Galambos asked if this amendment will show what was actually spent.

Finance Director Davis stated when someone goes through an audit, if there are huge variances from the budget that have to be explained. The City received more than was budgeted for the tax receipts. Budgeting is not an exact science, so periodically the budget needs to be adjusted.

Councilmember Karen Meinzen McEnerny asked if there is any way to retain what was approved on the FY2010 Budget in June of last year.

Finance Director Davis stated in the audit process, in the published financial statements, it is required to have the original budget and the revised budget. That is something GFOA looks at.

Councilmember Meinzen McEnerny asked if she can see it.

Finance Director Davis stated it is in every CAFR and she can provide a copy for Councilmember Meinzen McEnerny from last year.

Councilmember Meinzen McEnerny stated she does not want to lose the integrity of what was originally done by Council.

Motion and Vote: Councilmember Jenkins moved to approve Agenda Item No. 10-152, a Budget Amendment for 2010 Budget. Councilmember Fries seconded the motion. The motion carried unanimously.

(Agenda Item No. 10-153)

2. Amendment to Services Agreement between City of Sandy Springs and CH2M HILL, Inc.

City Attorney Wendell Willard stated this is the modification amendment to the existing agreements with CH2M HILL. It memorializes a couple of items that were previously agreed where changes were made, but not documented. It is also the agreement to the current financial programs in the Public Works and Administrative contracts.

City Manager John McDonough stated when the FY2010 budget was approved, the contract amount was $26.1 million. There was a small modification in how mobile devices are being paid for, so there was a slight increase. In order to true that up and have the information going forward, there is a modification that is recommended as part of this agreement to set the 2010 contract amount at $25,981,296, which is the figure utilized when working with CH2M HILL. They have been able to eliminate 18 FTE's, which translations into a gross savings of about $1.78 million and a net savings to the City over $1.5 million. Those numbers are utilized and incorporated into the FY11 budget just approved by Council.

Motion and Vote: Councilmember Jenkins moved to approve Agenda Item No. 10-153, an Amendment to the Services Agreement between the City of Sandy Springs and CH2M HILL, Inc. Councilmember Fries seconded the motion. The motion carried unanimously.

Councilmember Dianne Fries asked if the IT line item on the budget is a reflection of doing something different with IT for the Police Department, since it was removed from the CH2M HILL Contract.

Police Chief Terry Sult explained the IT and security needs for the Police Department operations.

Councilmember Fries asked if City employees need to be hired to meet the security level.

Police Chief Sult answered no. Some of it is being handled by vendors the City currently uses. The advantages are infrastructure with GCIC. Staff is trying to create a check and balance system with the appropriate security requirements.

Councilmember Fries asked when Council will find out what direction the IT position will go, whether it will be a City person or a contract.

Police Chief Sult stated the positions he is looking at are internal to the Police Department and they already exist. He is not looking for additional personnel.

Councilmember Fries stated in the budget there is an extreme amount of money put in for the software, but there was also money for a position. Where will that position come from?

City Manager McDonough stated that position wasn't unique to the Police Department. No decision has been made and it is flexible within the budget to either contract it out or hire staff.

Mayor Galambos stated there is still a lot of confusion, even among the members of the contract committee, regarding IT services. One of the items discussed within the contract committee is the need to get a better understanding of what is going on.

Councilmember Fries stated she is not looking for City employees, she is looking for contractors.

Police Chief Sult stated what they have accomplished to date has been done with efficient staff, but there will need to be one support staff person that has administrative access to do what needs to be done in order to have a check and balance in place.

(Agenda Item No. 10-154)

3. Consideration of Approval of a contract to construct the Johnson Ferry Road Streetscapes Project (T-0009) Subject to Validation and Approval by the Legal and Finance Departments

Capital Program Director Marty Martin stated on June 9th staff received best and final offer for bids to construct the Johnson Ferry Road Streetscapes Project, which goes from Sandy Springs Circle up to Long Island Drive connecting to the Abernathy, Johnson Ferry widening project. Based upon the best and final offers for bids received, JJE Constructors was the low bidder at $503,926.87. The City has used JJE before, their references are known, and they have successfully executed streetscape projects over in Perimeter Center. Staff recommends the award to JJE Constructors. The project is within the budget amount of $800,000 in SSRI funds. Staff reviewed all bids and everything seems to be correct with this proposal. There will be a couple of ancillary costs to go along with this, which is not part of the construction contract. The pedestrian scale street lightening is a separate Georgia Power agreement, which will add some to the overall cost.

Councilmember Dianne Fries stated she really wishes Council had more detailed information on how staff gets to the group of three. The public should know what criteria are used to get to the top three.

Capital Program Director Martin stated in this case, there was an initial solicitation for bid on this project. As a part of that initial solicitation for this project, staff received bids from the top three contractors plus a few others. Through staff's analysis of all those bids received by those construction contractors, staff noticed a significant discrepancy within one line item; contractor's support to installing the pedestrian street lighting. It ranged from the cost of making a phone call to the complete cost of the entire lighting system. Based upon that finding, staff went back to the purchasing department and told them there was an irregularity with the bid, and asked how to proceed. With the advice from Counsel, the purchasing department offered a clarification to that particular line item and requested the best and final offer for bids. Not all contractors that participated in the first bid chose to participate in the best and final offer.

Motion and Vote: Councilmember Collins moved to approve Agenda Item No. 10-154, Approval of a contract to construct the Johnson Ferry Road Streetscapes Project (T-0009), Subject to Validation and Approval by the Legal and Finance Departments. Councilmember Paulson seconded the motion. The motion carried unanimously.
Resolution No. 2010-06-43

REPORTS AND PRESENTATIONS

There were no reports form Council or Staff.

PUBLIC COMMENT

There were no comments from the public.

(Agenda Item No. 10-155)
EXECUTIVE SESSION - *Litigation*

Motion and Vote: Councilmember DeJulio moved to enter Executive Session. Councilmember Fries seconded the motion. The motion carried unanimously with Councilmember Paulson, Councilmember Fries, Councilmember Collins, Councilmember Jenkins, Councilmember DeJulio, and Councilmember Meinzen McEnerny voting in favor of the motion. Executive Session began at 7:00 p.m.

Motion and Vote: Councilmember DeJulio moved to Adjourn Executive Session. Councilmember Jenkins seconded the motion. The motion carried unanimously with Councilmember Paulson, Councilmember Fries, Councilmember Collins, Councilmember Jenkins, Councilmember DeJulio, and Councilmember Meinzen McEnerny voting in favor of the motion. Executive Session Adjourned at 7:10 p.m.

City Attorney Wendell Willard stated there has been a proposal brought to the attorneys concerning the Holy Innocents matter, which is a pending litigation involving the City. A consent agreement has been reached and submitted to the court. The court has entered an order for the consent and it is sought to be approved as an administrative variance by the Council.

Motion and Vote: Councilmember DeJulio moved to approve the consent agreement for pending litigation with Holy Innocents Church for consent to approve a variance pursuant to the requirements of the zoning ordinance. Councilmember Jenkins seconded the motion. The motion carried unanimously.

(Agenda Item No. 10-156)

ADJOURNMENT

Motion and Vote: Councilmember DeJulio moved to adjourn the meeting. Councilmember Paulson seconded the motion. The motion carried unanimously. The meeting adjourned at 7:11 p.m.

Date Approved: August 3, 2010

Eva Galambos, Mayor

Michael Casey, City Clerk